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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/818,228	
	Filing Date	March 27, 2001	
	First Named Inventor	Kent L. Christopher	
	Group Art Unit	3761	
	Examiner Name	M. Patel	
Total Number of Pages in This Submission	8	Attorney Docket Number	1246/39(a)

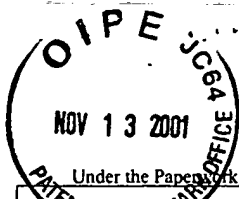
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ENCLOSURES (check all that apply)		
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<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
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<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Thomas S. Birney, Esq. Dorr, Carson, Sloan & Birney, P.C.
Signature	<i>Thomas S Birney</i>
Date	November 13, 2001

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as express mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: November 13, 2001			
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Signature	<i>Thomas S Birney</i>	Date	November 13, 2001

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PATENT APPLICATION FEE DETERMINATION RECORD	Application or Docket Number 1246/39(a)
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CLAIMS AS FILED - PART I			SMALL ENTITY	OR	OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED (Column 1)	NUMBER EXTRA (Column 2)	RATE	FEE	RATE	FEE
BASIC FEE (37 CFR 1.16(a))				\$ 355		\$
TOTAL CLAIMS (37 CFR 1.16(c))	28	minus 20 = *	x \$ 9 =	72	x \$	
INDEPENDENT CLAIMS (37 CFR 1.16(b))	3	minus 3 = *	x 40 =	0	x	
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(d))			+		+	
			TOTAL	427	OR TOTAL	

* If the difference in column 1 is less than zero, enter "0" in column 2

CLAIMS AS AMENDED - PART II						SMALL ENTITY	OR	OTHER THAN SMALL ENTITY	
AMENDMENT A		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE	RATE	ADDITIONAL FEE
	Total (37 CFR 1.16(c))	*	28	Minus	** 28	=	0	x \$	
	Independent (37 CFR 1.16(b))	*	3	Minus	*** 3	=	0	x	
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))					+		+	
						TOTAL	0	OR TOTAL	

						SMALL ENTITY	OR	OTHER THAN SMALL ENTITY	
AMENDMENT B		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE	RATE	ADDITIONAL FEE
	Total (37 CFR 1.16(c))	*		Minus	**	=		x \$	
	Independent (37 CFR 1.16(b))	*		Minus	***	=		x	
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))					+		+	
						TOTAL		OR TOTAL	

						SMALL ENTITY	OR	OTHER THAN SMALL ENTITY	
AMENDMENT C		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE	RATE	ADDITIONAL FEE
	Total (37 CFR 1.16(c))	*		Minus	**	=		x \$	
	Independent (37 CFR 1.16(b))	*		Minus	***	=		x	
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))					+		+	
						TOTAL		OR TOTAL	

- * If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
- ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
- *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

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#4/A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of
Kent L. Christopher

Serial No. 09/818,228

Filed: March 27, 2001

For: METHOD AND APPARATUS FOR
PHARYNGEAL AUGMENTATION OF
VENTILATION

Examiner M. Patel
Group Art Unit 3761

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Assistant Commissioner for Patents
Washington, D.C. 20231

AMENDMENT

Applicant respectfully submits the following amendments and remarks in response to the Office Action dated October 5, 2001:

IN THE CLAIMS:

Please amend claim 1 as follows:

1. (amended) A nasopharyngeal catheter comprising:
- a nasal catheter having a proximal end and a distal end adapted to extend through a patient's nose and into the patient's distal nasopharynx or oropharynx;
 - a delivery tube adapted to extend below the patient's nostril connected to the proximal end of the nasal catheter; and
 - a gas source delivering a flow rate of approximately 4 to 40 liters per minute through the delivery tube and nasal catheter.

Please amend claim 15 as follows:

15. (amended) A nasopharyngeal catheter comprising: